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Letter dated 30 July 2013 from the Chargé d'affaires a.i. of the Permanent Mission of Sweden to the United Nations addressed to the Chair of the Committee

Pursuant to paragraph 25 of Security Council resolution 2094 (2013), I have the honour to convey that Sweden and the other member States of the European Union have jointly implemented the additional restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolutions 2087 (2013) and 2094 (2013) by taking the following common measures:[1]

Council decision 2013/88/CFSP of 18 February 2013 concerning restrictive measures against the Democratic People's Republic of Korea[2] amending Council decision 2010/800/CFSP of 22 December 2010[3]

The Council decision takes note of the adoption of Security Council resolution 2087 (2013) on 22 January 2013 and provides the basis for European Union-specific implementing measures within the scope of that resolution, notably:

- The designation of additional persons and entities (travel ban and asset freeze), in accordance with paragraph 5 (a) of Security Council resolution 2087 (2013);
- The prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea, in accordance with paragraph 5 (b) of Security Council resolution 2087 (2013);
- The obligation to exercise vigilance and restraint regarding the entry into or transit through the territories of European Union member States with regard to individuals working on behalf or at the direction of a designated individual or entity, in accordance with paragraph 12 of Security Council resolution 2087 (2013);

[1] All common measures are published in the *Official Journal of the European Union*.
[2] *Official Journal of the European Union*, L 46, 19.2.2013, p. 28.
[3] *Official Journal of the European Union*, L 341, 23.12.2010, p. 32.

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– The inclusion of a provision concerning no claims in connection with the performance of any contract or transaction affected by the measures decided on pursuant to relevant Security Council resolutions or measures of the Union or any member State in accordance with relevant decisions of the Security Council, in accordance with paragraph 13 of Security Council resolution 2087 (2013).

It is noted that certain provisions within the scope of Security Council resolution 2087 (2013) did not require new European Union measures for implementation as the Union had already taken similar measures on an autonomous basis at an earlier stage, in particular partially concerning paragraphs 5 (a) and 6 of Security Council resolution 2087 (2013). It is also noted that, in addition, Council decision 2013/88/CFSP includes further autonomous measures of the European Union in view of its deep concern about the violation by the Democratic People's Republic of Korea of international obligations.

With a view to ensuring the uniform application of those measures by economic operators in all member States, regulatory action at the level of the Union has been taken in order to implement the measures of Council decision 2013/88/CFSP falling under community competence.

The following measure of Council decision 2013/88/CFSP falling within the scope of Security Council resolution 2087 (2013) is implemented by Commission Implementing Regulation (EU) No. 137/2013 of 18 February 2013[4] amending Regulation (EC) No. 329/2007[5] concerning restrictive measures against the Democratic People's Republic of Korea:

– The designation of additional persons and entities, where it concerns the freezing of funds and economic resources.

The following measures of Council decision 2013/88/CFSP falling within the scope of Security Council resolution 2087 (2013) are implemented by Council Regulation (EU) No. 296/2013 of 26 March 2013[6] amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:

– The prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea, including related technical assistance and brokering services and financing or financial assistance;

– The inclusion of a provision concerning no claims in connection with the performance of any contract or transaction affected by the measures decided on pursuant to relevant Security Council resolutions or measures of the Union or any member State in accordance with relevant decisions of the Security Council.

The above-mentioned Council regulations are binding in their entirety and are directly applicable in all member States of the European Union. Regulation (EC)

[4] *Official Journal of the European Union*, L 46, 19.2.2013, p. 19.
[5] *Official Journal of the European Union*, L 88, 29.3.2007, p. 1.
[6] *Official Journal of the European Union*, L 90, 28.3.2013, p. 4.

No. 329/2007 requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Sweden are set out in the following legislation:

(a) Act (1996:95) on certain international sanctions, which provides for penalties for violations of prohibitions contained in European Union Regulations on economic sanctions;

(b) Regarding restrictions on admission (visa ban), Sweden's general aliens legislation, together with Council decision 2010/800/CFSP and regulation (EC) No. 539/2001,[7] provide the basis for refusal of admission and denial of requests for a visa. This Regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union.

Council decision 2013/183/CFSP of 22 April 2013 concerning restrictive measures against the Democratic People's Republic of Korea[8] amending Council decision 2010/800/CFSP of 22 December 2010[9]

The Council decision takes note of the adoption on 7 March 2013 of Security Council resolution 2094 (2013) and provides the basis for European Union-specific implementing measures within the scope of that resolution, notably:

- The designation of additional persons and entities (travel ban and asset freeze), and insertion of additional criteria for designation, in accordance with paragraphs 8, 9 and 10 of Security Council resolution 2087 (2013);
- The prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea, or to activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), or by the decision of the European Union, or to the evasion of measures imposed by those resolutions or decision of the European Union, in accordance with paragraphs 7, 20 and 22 of Security Council resolution 2094 (2013);
- The prohibition to provide financial support for trade with the Democratic People's Republic of Korea, including in relation to activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), or by the decision of the European Union or to the evasion of measures imposed by those resolutions or the decision of the European Union, in accordance with paragraph 15 of Security Council resolution 2094 (2013);
- The obligation to prevent the provision of financial services, including in relation to bulk cash and regarding activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013), or by the decision of the European Union or to the evasion of measures imposed by those resolutions or the decision of the European Union, in accordance with paragraphs 11 and 14 of Security Council resolution 2094 (2013);

[7] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom of Great Britain and Northern Ireland.

[8] *Official Journal of the European Union*, L 111, 23.4.2013, p. 52.

[9] *Official Journal of the European Union*, L 341, 23.12 2010, p. 32.

– The prohibition on the opening of new branches, subsidiaries or representative offices of Democratic People's Republic of Korea banks in the territories of the member States of the European Union, the taking of an ownership interest in banks under the jurisdiction of member States, the establishment of correspondent banking relationships with banks under the jurisdiction of member States and the maintenance of correspondent banking relationships with banks under the jurisdiction of member States if they have information that provides reasonable grounds to believe that this could contribute to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or by this decision, or to the evasion of measures imposed by those resolutions or by this decision, in accordance with paragraph 12 of Security Council resolution 2094 (2013);

– The obligation to inspect all cargo to and from the Democratic People's Republic of Korea in the territory of member States of the European Union, or transiting through their territory, or cargo brokered or facilitated by the Democratic People's Republic of Korea or its nationals, or persons or entities acting on its behalf, including at their airports and seaports, if they have information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited under Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under this decision, in accordance with paragraph 16 of Security Council resolution 2094 (2013);

– The obligation to deny entry into the ports of member States of the European Union to any vessel that has refused to allow an inspection after such an inspection has been authorized by the vessel's flag State, or to any Democratic People's Republic of Korea-flagged vessel that has refused to be inspected pursuant to paragraph 12 of Security Council resolution 1874 (2009), in accordance with paragraph 17 of Security Council resolution 2094 (2013);

- The obligation to deny permission to any aircraft to land in, take off from or overfly the territory of member States of the European Union if they have information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited under Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under this decision, in accordance with paragraph 18 of Security Council resolution 2094 (2013);

– The obligation to expel nationals of the Democratic People's Republic of Korea who member States of the European Union determine are working on behalf of, or at the direction of, a person or entity listed in annexes I or II to Security Council resolution 2094 (2013), or who they determine are assisting the evasion of sanctions or violating the provisions of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or of this decision, from their territories for the purpose of repatriation to the Democratic People's Republic of Korea, consistent with applicable national and international law, in accordance with paragraph 10 of Security Council resolution 2094 (2013);

– The obligation to exercise enhanced vigilance over diplomatic personnel of the Democratic People's Republic of Korea so as to prevent such individuals from contributing to the country's nuclear or ballistic missile programmes or other

activities prohibited by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) or by this decision, or to the evasion of measures imposed by those resolutions or by this decision, in accordance with paragraph 24 of Security Council resolution 2094 (2013).

It is noted that certain provisions within the scope of Security Council resolution 2087 (2013) did not require new European Union measures for implementation as the Union had already taken similar measures on an autonomous basis at an earlier stage, in particular concerning a number of specific elements pertaining to the measures mentioned above.

With a view to ensuring the uniform application of those measures by economic operators in all member States, regulatory action at the level of the Union has been taken in order to implement the measures of Council decision 2013/88/CFSP falling under community competence.

The following measure of Council decision 2013/183/CFSP falling within the scope of Security Council resolution 2094 (2013) is implemented by Commission Implementing Regulation (EU) No. 370/2013 of 22 April 2013[10] amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:

- The designation of additional persons and entities, where it concerns the freezing of funds and economic resources.

The following measures of Council decision 2013/183/CFSP falling within the scope of Security Council resolution 2094 (2013) are implemented by Council Regulation (EU) No. 696/2013 of 22 July 2013[11] amending Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea:

- The insertion of additional criteria for designation, where it concerns the freezing of funds and economic resources.

- The prohibition to supply, sell or transfer to the Democratic People's Republic of Korea additional items, materials, equipment, goods and technology which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea, including related technical assistance and brokering services;

- The obligation to prevent the provision of financial services in relation to prohibited activities;

- The prohibition on the opening of new branches, subsidiaries or representative offices of Democratic People's Republic of Korea banks in the territories of the member States of the European Union, the taking of an ownership interest in banks under the jurisdiction of member States, the establishment of correspondent banking relationships with banks under the jurisdiction of member States and the maintenance of correspondent banking relationships with banks under the jurisdiction of member States if they have information that provides reasonable grounds to believe that this could contribute to the

[10] *Official Journal of the European Union*, L 111, 23.4.2013, p. 43.
[11] *Official Journal of the European Union*, L 198, 23.7.2013, p. 28

nuclear or ballistic missiles programmes of the Democratic People's Republic of Korea;

- The obligation to inspect all cargo to and from the Democratic People's Republic of Korea in the territory of member States of the European Union, or transiting through their territory, or cargo brokered or facilitated by the Democratic People's Republic of Korea or its nationals, or persons or entities acting on its behalf, including at their airports and seaports;

- The obligation to deny entry into the ports of member States of the European Union of any vessel that has refused to allow an inspection after such an inspection has been authorized by the vessel's flag State, or if any Democratic People's Republic of Korea-flagged vessel has refused to be inspected, pursuant to paragraph 12 of Security Council resolution 1874 (2009);

- The obligation to deny permission to any aircraft to land in, take off from or overfly the territory of member States of the European Union if they have information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited under Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) or 2094 (2013) or under this decision.

The above-mentioned Council regulations are binding in their entirety and are directly applicable in all member States of the European Union. Regulation (EC) No. 329/2007 requires Member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Sweden are set out in the following legislation:

Act (1996:95) on certain international sanctions (cfr above).

Regarding restrictions on admission (visa ban), Sweden's general aliens legislation, together with Council decision 2013/183/CFSP and regulation (EC) No. 539/2001,[7] provide the basis for refusal of admission and denial of requests for a visa. The regulation requires nationals of the Democratic People's Republic of Korea to be in possession of a visa when entering the European Union.

(*Signed*) Signe **Burgstaller**
Ambassador
Chargé d'affaires a.i.